

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Criminal Action No. 07-00213-01-CR-W-NKL

v.

DELTON D. KING,

Defendant.

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

PENDING CHARGES: On June 20, 2007, the Grand Jury returned a two count indictment against defendant Delton D. King. Count One of the indictment charges that on or about February 15, 2006, defendant King, having been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess a firearm, to wit, a Hi-Point, Model C-9, 9mm semi-automatic pistol. Count Two of the indictment charges that on or about February 15, 2006, defendant King knowingly and intentionally possessed with the intent to distribute five grams or more of cocaine base (“crack”).

The following matters were discussed and action taken during the pretrial conference:

TRIAL COUNSEL:

Government: Michael Green

Case Agent: Special Agent Ted Horton of the ATF

Defense: Laine Cardarella

OUTSTANDING MOTIONS: None.

TRIAL WITNESSES:

Government: 5-6 with stipulations; 8-10 without stipulations

Defendants: no more than 3 witness, the defendant may testify

TRIAL EXHIBITS

Government: 10-15 exhibits

Defendant: no more than 5 exhibits

DEFENSES: General Denial

POSSIBLE DISPOSITION:

() Definitely for trial; (X) Possibly for trial; () Likely a plea will be worked out

TRIAL TIME: 1- 1 ½ days

Government's case including jury selection: 1– 1 ½ day

Defense case: No significant time needed for the defense case

STIPULATIONS: The government is proposing stipulations with respect to the interstate nexus of the firearm, the defendant's prior convictions and the chemist's analysis of the drugs.

UNUSUAL QUESTIONS OF LAW: None

FILING DEADLINES:

Witness and Exhibit List

Government: Friday before the pretrial conference

Defense: Friday before the pretrial conference

Counsel are requested to list witnesses in alphabetical order on their witness list.

Exhibit Index, Voir Dire, Jury Instructions: Noon, Wednesday February 6, 2008

Please Note: Jury instructions must comply with Local Rule 51.1

TRIAL SETTING: Criminal jury trial docket commencing February 11, 2008.

Please note: Counsel request the second week of the docket. Counsel has oral argument set in the 8th Circuit on February 12, 2008.

IT IS SO ORDERED.

/s/
SARAH W. HAYS
United States Magistrate Judge